

On November 21, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the J. Stromeyer Co., Philadelphia, Pa., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about September 19, 1933, from the State of Pennsylvania into the State of New Jersey, of a quantity of alleged cane and maple sirup which was adulterated and misbranded. The article was labeled in part: "Walt Whitman Brand * * * Contents ½ Pint Composed of 85% Granulated Sugar Syrup and 15% Pure Maple Syrup Cane and Maple Syrup Specially Packed for Camden Grocers Exchange Camden, N.J."

The article was alleged to be adulterated in that a product containing no maple sirup had been substituted for the said article.

Misbranding was alleged for the reason that the statements, "Contents ½ Pint", "Maple Syrup", and "15% Pure Maple Syrup", borne on the labels, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the bottles contained less than one half pint and since the article contained no maple sirup. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On January 23, 1935, the defendant company entered a plea of nolo contendere, was adjudged guilty, and was sentenced to pay a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

24240. Adulteration and misbranding of prepared mustard. U. S. v. Vernon D. Price Vinegar Co. Plea of nolo contendere. Fine. \$25 and costs. (F. & D. no. 33821. Sample nos. 40192-A, 40193-A, 40197-A.)

This case involved interstate shipment of three lots of prepared mustard. Two of the lots contained added mustard bran; the remaining lot consisted principally of starch, mustard bran, and turmeric. One lot was also found to be short weight.

On January 4, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Vernon D. Price Vinegar Co., a corporation trading at Pittsburgh, Pa., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about February 21 and July 10, 1933, from the State of Pennsylvania into the State of West Virginia, of a quantity of prepared mustard which was adulterated and misbranded. The article was labeled in part: (Jars) "Price's Crown * * * Quality Pure Net Weight 8 oz [or "Net Weight 23 ozs." or "Net Weight 1 Pint"] Prepared Mustard * * * Guaranteed by Vernon D. Price Vinegar Co. Pittsburgh, Pa." On one of the lots over the net weight declaration "8 oz." there had been written with pen the statement "6 oz.", both statements being visible.

The information charged adulteration of portions of the article in that mustard bran had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for prepared mustard which the article purported to be. Adulteration was alleged with respect to the remainder of the article for the reason that imitation prepared mustard consisting principally of starch, mustard bran, and turmeric had been substituted for prepared mustard, which the article purported to be.

Misbranding was alleged for the reason that the statement "Prepared Mustard", with respect to the product in all lots, and the statement, "Net Weight 8 oz. [or "6 oz.]", with respect to the product in one lot, borne on the labels, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it was not prepared mustard, and since the jars labeled "8 oz." or "6 oz." contained less than 6 ounces. Misbranding of the lot labeled "8 oz." or "6 oz." was alleged for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statements were incorrect. Misbranding was further alleged in that all lots were offered for sale under the distinctive name of another article, namely, prepared mustard, and one of the lots was also an imitation of another article, namely, prepared mustard.

On January 15, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of \$25 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*